



Rep. Barbara Flynn Currie

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LRB096 03641 HLH 24497 a

1 AMENDMENT TO HOUSE BILL 1196

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1196, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The State Finance Act is amended by adding  
6 Sections 5.719 and 6z-76 as follows:

7 (30 ILCS 105/5.719 new)

8 Sec. 5.719. The Healthcare Provider Relief Fund.

9 (30 ILCS 105/6z-76 new)

10 Sec. 6z-76. The Healthcare Provider Relief Fund. The  
11 Healthcare Provider Relief Fund is created as a special fund in  
12 the State treasury. Moneys in the Fund may be used, subject to  
13 appropriation, by the Department of Healthcare and Family  
14 Services only for the purpose of making reimbursements to  
15 providers of goods or services under the medical assistance

1 program under Article V of the Illinois Public Aid Code, the  
2 Children's Health Insurance Program Act, the Covering All Kids  
3 Health Insurance Act, and the pharmaceutical assistance  
4 program under the Senior Citizens and Disabled Persons Property  
5 Tax Relief and Pharmaceutical Assistance Act. The Department  
6 shall make all such reimbursements from the Fund in the order  
7 that claims for those reimbursements were received by the  
8 Department.

9 Any interest earnings that are attributable to moneys in  
10 the Fund must be deposited into the Fund.

11 The Healthcare Provider Relief Fund is not subject to  
12 administrative charges or charge-backs, including, but not  
13 limited to, those authorized under Section 8h of the State  
14 Finance Act.

15 Section 10. The Tobacco Products Tax Act of 1995 is amended  
16 by changing Section 10-10 as follows:

17 (35 ILCS 143/10-10)

18 Sec. 10-10. Tax imposed. On the first day of the third  
19 month after the month in which this Act becomes law and through  
20 August 31, 2009, a tax is imposed on any person engaged in  
21 business as a distributor of tobacco products, as defined in  
22 Section 10-5, at the rate of 18% of the wholesale price of  
23 tobacco products sold or otherwise disposed of to retailers or  
24 consumers located in this State. Beginning on September 1,

1 2009, the tax shall be imposed at the rate of 40% of the  
2 wholesale price of tobacco products sold or otherwise disposed  
3 of to retailers or consumers located in this State. The tax  
4 imposed by this Section shall be applied to the wholesale price  
5 of tobacco products before any other applicable tax imposed by  
6 the State, by the federal government, or by a unit of local  
7 government. The tax is in addition to all other occupation or  
8 privilege taxes imposed by the State of Illinois, by any  
9 political subdivision thereof, or by any municipal  
10 corporation. However, the tax is not imposed upon any activity  
11 in that business in interstate commerce or otherwise, to the  
12 extent to which that activity may not, under the Constitution  
13 and Statutes of the United States, be made the subject of  
14 taxation by this State. The tax is also not imposed on sales  
15 made to the United States or any entity thereof.

16 For returns due before October 15, 2009, all ~~All~~ moneys  
17 received by the Department under this Act shall be paid into  
18 the Long-Term Care Provider Fund of the State Treasury. For  
19 returns due on or after October 15, 2009, 78.92% of the moneys  
20 received by the Department under this Act shall be paid into  
21 the Long-Term Care Provider Fund; 10.54% of the moneys received  
22 by the Department under this Act shall be paid into the  
23 Healthcare Provider Relief Fund; and 10.54% of the moneys  
24 received under this Act shall be remitted to the Illinois  
25 Department of Public Health for support of tobacco prevention,  
26 cessation, and control programs in accordance with the Centers

1 for Disease Control and Prevention's 2007 Best Practices for  
2 Comprehensive Tobacco Control Programs.

3 (Source: P.A. 92-231, eff. 8-2-01.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.".